

August 21, 2003

National Highway Traffic Safety Administration
Docket Management
Room PL-401
400 Seventh Street, S.W.
Washington DC 20590

**Re: Docket No. NHTSA 03-15651;
Notice of draft interpretations; request for comments**

Dear Sir or Madam:

General Comments:

OSRAM SYLVANIA Products Inc. ("OSRAM SYLVANIA") is a major producer of automotive lighting equipment for vehicle manufacturers and the aftermarket. OSRAM SYLVANIA welcomes the opportunity to comment on interpretations of the standard 108; "Lamps, reflective devices, and associated equipment".

We appreciate NHTSA's Chief Counsel requesting comment on these interpretations, which take a new approach and have broad impact on automotive equipment manufacturers and consumers. Our comments will address issues with the two draft interpretations as well as the two recently issued interpretations (February 4, 2002, letter to Mr. Daniel Watt; and March 13, 2003, letter to Mr. Galen Chen) also referenced in the request for comments.

Many aspects of these interpretations are helpful clarifications of the safety performance standards. However, these interpretations are also taking a more prescriptive approach to regulating equipment manufacturers and motor vehicle repair businesses that install aftermarket equipment. Our comments will focus on this area where we feel these interpretations are unnecessarily negatively impacting the industry.

Vehicle manufacturers have many design options that are considered in producing vehicles that meet performance based Federal Motor Vehicle Safety Standards (FMVSS). There are many factors other than safety that influence these design choices, economics, styling and other nonsafety criteria. NHTSA through these interpretations is converting these OEM design choices into prescriptive regulations for equipment manufacturers and motor vehicle repair businesses. OSRAM SYLVANIA believes equipment manufacturers should have the same design freedom as vehicle manufacturers in meeting the same performance based safety standards.

Specific Arguments:

S5.8.1 "... each lamp, reflective device, or item of associate equipment manufactured to replace any lamp, reflective device, or item of associate equipment on any vehicle to which this standard applies, shall be designed to conform to this standard." (FMVSS 108). It is submitted that a customizer, may put an entirely different lamp system on a vehicle as long as it is **designed to conform to FMVSS 108**. The reasoning presented in the draft interpretations should not be used to preclude a replacement system that meets all the performance requirements but just happens to be different from the original system.

Vehicle manufacturers should not be allowed to establish or change federal regulations of equipment manufacturers. These interpretations make the design decisions of vehicle manufacturers the prescriptive requirements of the aftermarket.

NHTSA regulations should not provide preferential treatment to vehicle manufacturers. The line of reasoning in these interpretations will only allow options offered by the vehicle manufacturer. The consumer will lose choice and the vehicle manufacturer will gain government protected control over optional equipment design.

OSRAM SYLVANIA believes the authorizing legislation for NHTSA intended safety standards be performance based to every extent possible. We do not see the need for prescriptive restrictions on the aftermarket.

OSRAM SYLVANIA and other automotive accessory manufacturers, distributors, retailers, and installers will be economically harmed by these interpretations. Some of the current products would no longer be allowed because they are not used on original vehicles. In other cases the market will be significantly reduced to vehicles where the OEM offered these design options.

OSRAM SYLVANIA as an equipment manufacturer believes vehicles using our products must meet the same FMVSS performance standards as applied to new vehicles independent of the original design of the vehicle. We have manufactured to these standards for many years and believe our view of the regulations is widely held. These interpretations are creating new regulations through the interpretation process.

Innovation and improvement in regulated safety equipment will be stifled if only original vehicle manufacturer's designs are allowed in the marketplace.

Equipment manufacturers which supply OEMs are very capable of designing and manufacturing products that meet or exceed all FMVSS performance requirements. After all, equipment manufacturers like ourselves design, build and provide most of the certification testing of the OEM equipment.

NHTSA should consider the implications of this approach applied broadly across all safety standards and classes of vehicles, systems and components.

August 21, 2003

Summary:

OSRAM SYLVANIA asks that NHTSA set and interpret safety standards based on performance, as it does now. Equipment manufacturers should have the same design freedom as vehicle manufacturers and should be held to the same safety performance standards. This will provide a regulatory environment that provides for vehicle safety while promoting consumer choice, competition, and technological improvements.

OSRAM SYLVANIA appreciates the opportunity to respond to NHTSA's request for comments and hopes that the information provided will be useful to the agency.

Sincerely,

A handwritten signature in black ink, reading "Dennis Holt". The signature is written in a cursive, flowing style.

Dennis Holt
Reliability & Regulations Manager